19/48.

File No. O. Tolls on Roads & Bridges 48

Legal **DEPARTMENT**

A **BRANCH**

Subject.— P 2F

Opinions under the Tolls on Roads & Bridges Act, 1875.

Std. Sectt. Slip 24 B e.

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Office of the R.L.A.

The Tolls on Roads and Bridges Act, 1875. - section 3.

The second proviso to section 14 of the Bombay Motor Vehicles Tax Act, 1928 1933, read with section 3 of the Tolls on Roads and Bridges Act, 1875, makes it clear that although it is open to Government to levy toll at any rates which Government may at declare under the former Act, such rates cannot exceed those statutorily prescribed in the Schedule annexed to the latter Act. Consequently, if Government proposes to levy toll on motor lorries at Rs.2/- instead of at Re.1/- as prescribed in the Schedule to the Tolls on Roads and Bridges Act, 1875, that Schedule will have to be suitably amended before declaring such rates under the second proviso to section 14 of the Bombay Motor Vehicles Tax Act, 1933 (cf. R.L.A.'s opinion No. 10155 dated 8-10-1933 followed in R.L.A.'s No. 2614 dated 21-3-1941).

n.d. 10/- P.W.L. 23/8...

Commissioner of Legal Affairs.

U.O. to P.W.D., No.8051, dated the 25th August 1943.

KAN/10-8.
4 c.